

APPLICATION FOR FINANCIAL ASSISTANCE

revised August 2015

The Town of Huntington Local Development Corporation

Frank P. Petrone, Chairperson

Mark A. Cuthbertson, Vice Chairperson

Susan A. Berland, Secretary & Treasurer

Eugene Cook, Director

Tracey A. Edwards, Director

Joan Cergol, Executive Director

jcergol@huntingonNY.gov

c/o Huntington Community Development Agency
100 Main Street, Suite 309
Huntington, New York 11743
Telephone: (631) 351-2881
Facsimile: (631) 351-2889

**THE TOWN OF HUNTINGTON LOCAL DEVELOPMENT CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE
INSTRUCTIONS**

1. Fill in all blanks, using “none”, “not applicable” or “N/A” where the question is not appropriate to the project which is the subject of this application (the “Project” and the “Application”). If you have any questions about this Application, please call the The Town of Huntington Local Development Corporation (“THLDC”) at (631) 351-2881.
2. If an estimate is given as the answer to a question, put “(est.)” after the figure or answer, which is estimated.
3. If more space is needed to answer any specific question, attach a separate sheet.
4. When completed, please return this Application by mail or facsimile to THLDC at the address or facsimile number indicated on the cover page of this Application. A signed Application may also be submitted electronically in PDF format to Joan Cergol at jcergol@huntingtonNY.gov. The application will not be considered until the Application fee (as described below) has been received by THLDC.
5. THLDC will not give final approval for this Application until THLDC receives a completed New York State (“NYS”) Full Environmental Assessment Form concerning the Project which is the subject of this Application.
6. Please note that Article 6 of the New York Public Officers Law declares that all records in the possession of THLDC (with certain limited exceptions) are open to public inspection and copying. If an Applicant feels that there are elements of the Project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the Applicant’s competitive position, the Applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the New York Public Officers Law.
7. The Applicant will be required to pay a THLDC Application fee and, if accepted as a project of THLDC, all administrative fees as stated below, as well as the legal fees of THLDC incurred in connection with the Project and Application.
8. A complete application consists of the following:
 - A. The Application
 - B. Attachment I – Preliminary or Existing Plans and Sketches
 - C. Attachment II -- Financial Information
 - D. Attachment III – NYS Full Environmental Assessment Form
 - E. A check payable to THLDC in the amount of \$500.00

Every signature page comprising part of an Application must be signed by the Applicant, or the Application will not be considered complete or accepted for consideration by THLDC.

**THE TOWN OF HUNTINGTON LOCAL DEVELOPMENT CORPORATION
APPLICATION**

Please answer all questions by filling in the blanks. Use attachments as necessary.

I. APPLICANT INFORMATION

DATE: _____

A. Name; Organization; Structure

Organization Name “Applicant”:					
Mailing Address:					
City:		State:		Zip:	
Phone:			Fax:		
Contact Person:					
Email Address:					
Federal Employer Identification Number:					

Business Type (Check applicable status; Complete blanks as necessary):					
Sole Proprietorship:		General Partnership:		Limited Partnership:	
Limited Liability Company:		Privately Held Corporation:			
Publicly Held Corporation:		Exchange Listed on:			
Not for Profit Corporation:					
Income taxed as:					
Subchapter S		Subchapter C:			

501(c)(3) Corporation:		Partnership:	
State and Year of Incorporation/Organization:			
Qualified to do Business in New York:	Yes: _____	No: _____	N/A: _____

B. Board Chair, CEO and CFO

Name	Title	Business Address	Phone	Email

C. Applicant's Counsel

Name:					
Firm:					
Mailing Address					
City:		State:		Zip:	
Phone:		Fax:			
E-mail:					

D. Applicant's Accountant

Name:					
Firm:					
Mailing Address					
City:		State:		Zip:	
Phone:		Fax:			
E-mail:					

E. Principal stockholders, members or partners, if any (i.e., owners of 5% or more of equity/voting rights in Applicant):

Name	Percentage Owned
_____	_____ %
_____	_____ %
_____	_____ %

If any of the persons described in the response to the preceding Question, or a group of said persons, owns more than a 50% ownership interest in the Applicant, list all other entities which are related to the Applicant by virtue of such person(s) having more than a 50% ownership interest in such entities:

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F. Organization Financial Information Attachment:

1. Copies of two most recent financial statements (audited, if available)
2. Copy of most recent Annual Report
3. Copy of Strategic Plan (if any)

G. Environmental Information

1. THLDC must make a determination of environmental significance for the Project.

A completed NYS Full Environmental Assessment Form must be submitted with the completed Application.

H. Additional Information

1. Is the Applicant related to any other entity or entities by reason of more than 50% common ownership? If YES, indicate name of related entity or entities and relationship:

Yes: _____	No: _____
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2. List parent corporation, sister corporation(s) and subsidiary(ies), if any:

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3. Has the Applicant (or any related entity or person) been involved in, applied for or benefitted from any prior industrial development or local development financing within the County of Suffolk and/or the Town of Huntington, whether by THLDC or another issuer, or in a contiguous municipality? (“Municipality” herein means city, town

or village, or, if the Project is not in an incorporated city or village, Suffolk County.) If YES, describe:

Yes: ____	No: ____
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4. Has the Applicant (including any related entity(ies) or person(s)) within the past six months received or benefitted from, or is its contemplating to receive or benefit from within the next six months, tax-exempt financing anywhere within the United States? If YES, describe:

Yes: ____	No: ____
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5. Will the proposed bond issue, when combined with all outstanding industrial development bond or local development corporation issues of the Applicant or any related entity, exceed the aggregate principal amount of \$40,000,000?

Yes: ____	No: ____
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6. Is the Applicant seeking federal tax-exempt bonds as a manufacturing facility?

Yes: ____	No: ____
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If YES, please complete the attached Tax-Exempt Bond Manufacturing Questionnaire (Schedule A) and provide an estimate of the capital expenditures of the Applicant, and its affiliates and subsidiaries, within the Town of Huntington during the past three years:

Not Applicable.

7. Has the Applicant (including any related entity(ies) or person(s)) made a public offering or private placement of its stock within the last year? If YES, attach a copy of the Prospectus or Offering Statement used in connection with the offering or placement.

Yes: ____	No: ____
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8. List the major bank references of the Applicant, including name, address and telephone number of a bank contact:

9. Is the Applicant (including any related entity(ies) or person(s) or any principal(s) of the Applicant) been involved in any litigation that would have a material adverse effect on the Applicant's financial condition or the financial condition of said related entity(ies) or person(s) principal(s)? If YES, attach details.

Yes: ____	No: ____
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10. Has the Applicant (or any related entity(ies) or person(s) or any principal(s) of the Applicant or its related entities, or any other business or concern with which such entities, persons or principal(s) have been connected) ever been involved, as debtor, in bankruptcy, creditor rights or receivership proceedings or sought protection from creditors? If YES, attach details.

Yes: ____	No: ____
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11. Has the Applicant (or any related entity(ies) or person(s) or any principal(s) of the Applicant or its related entity(ies)) ever been charged with or convicted of any felony or misdemeanor (other than minor traffic offenses), or have any such related entity(ies) or person(s) or principal(s) held positions or ownership interests in any firm or corporation charged or convicted of a felony or misdemeanor (other than minor traffic offenses)? If YES, attach details.

Yes: ____	No: ____
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12. Has the Applicant (or any related entity(ies) or person(s) or any principal(s) of the Applicant or its related entities, or any other business or concern with which such entities, persons or principal(s) have been connected) been cited for a violation of federal, state or local laws or regulations with respect to labor practices, hazardous wastes, environmental pollution or other operating practices? If YES, attach details.

Yes: ____	No: ____
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13. Complete the following information for principals (including, in the case of corporations, officers and members of the board of directors and, in the case of limited liability company, members and managers) of the Applicant:

Name	Title	Other Business Affiliations
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

14. Do any of the foregoing principals hold elected or appointive public positions? If YES, attach details.

Yes: ____	No: ____
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15. Are any of the foregoing principals employed by any federal, state or local municipality or any agency, authority, department, board, or commission thereof or any other governmental or quasi-governmental organization?

Yes: ____	No: ____
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16. Does any one supplier or customer account for over 50% of Applicant's annual purchases or sales, respectively? If YES, attach name and contact information for supplier and/or customer, as applicable:

Yes: ____	No: ____
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17. Describe any labor union affiliation of the Applicant and/or the Applicant's employees:

18. Does the Applicant (including any related entity(ies) or person(s) or any principal(s) of the Applicant or its related entities, or any other business or concern with which such entities, persons or principal(s) have been connected) have any contractual or other relationship with THLDC or the Town of Huntington? If YES, attach details.

Yes: ____	No: ____
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19. Attach a brief history of the Applicant and its business/operations.

II. PROJECT INFORMATION

A. Describe the proposed acquisitions, construction or reconstruction, including buildings, site improvements and equipment. Also, indicate square feet by usage (e.g., office, classrooms), and type of construction. Attach a copy of preliminary plans or sketches, and/or floor plan of the existing facility.

1. General Description:

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2. Real Property (acreage): _____

3. Building(s):

Existing Building(s) (number of buildings and number of floors and square footage of each building):

4. Does the Project consist of an addition and/or renovations to existing buildings? If YES, indicate nature of expansion and/or renovation.

Yes: ____	No: ____
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5. Does the Project consist of new construction? If YES, indicate the number of buildings and square footage of each building:

Yes: ____	No: ____
Number of Buildings	Square Footage of Each Building

6. Builder or Contractor Name and Address:

7. Architect Name and Address:

8. Describe the present use of the Project site: _____

B. Location of Project, including a statement of the city, town or village within which it is located. Attach a map showing location of Project:

1. Address:

2. Section: _____ Block: _____ Lot: _____

If exact street address is not available, please provide a survey and the most precise description available.

C. Utilities on Site:

Water: Yes No
 Gas: Yes No

Electric: Yes No
 Sanitary/Storm Sewer: Yes No

D. Current Owner of the Project (i.e., land, building, improvements and/or personal property)

E. Zoning of Project Site: Current Zoning: _____ Proposed Zoning: _____

F. Are any local land use approvals required: Yes No

If Yes, describe:

G. Principal use of Project upon completion:

If other than by Applicant, by what means will the Applicant utilize the facility:

H. Bond Financing:

1. Estimated Project Costs. Give an accurate estimate of the following costs:

<u>Item</u>	<u>Cost</u>
Land Acquisition	\$ _____
Building Acquisition	\$ _____
Construction or Renovation	\$ _____
Site Work	\$ _____
Engineering Fees	\$ _____
Architectural Fees	\$ _____
Applicant's Legal Fees	\$ _____
Financial Fees (incl. lender's legal fees)	\$ _____
Other Professional Fees	\$ _____
Furniture, Equipment & Machinery	\$ _____
Other Soft Costs (describe)	\$ _____
Other (describe)	\$ _____
Total	\$ _____

2. Funds required: \$ _____ Financing term desired: _____

3. Estimate value of Tax-Exempt Bonds that Applicant is requesting THLDC to issue:
Please note, eligibility is subject to a case-by-case determination.

\$_____.

4. Estimate value of Taxable Bonds that Applicant is requesting THLDC to issue:
Please note, eligibility is subject to a case-by-case determination.

\$_____.

5. Have any of the above described costs been paid or incurred (including contracts of sale or purchase orders) as of the date of this Application? If YES, describe particulars on a separate sheet.

Yes: ____	No: ____
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6. Are items of working capital, moving expenses, work in progress, or stock in trade included in the proposed uses of the bond proceeds (if applicable)? If YES, provide details:

Yes: ____	No: ____
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7. Will any of the funds to be borrowed through THLDC's issuance of bonds, if applicable, be used to repay or refinance an existing mortgage, outstanding loan or an outstanding bond issue? If YES, provide details:

Yes: ____	No: ____
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8. What portion, if any, of the cost of the Project is to be financed from funds of the Applicant, or other than from the proposed Project financing? Provide details:

_____ %

9. Has the Applicant made any arrangement for the marketing or purchase of the bonds or the provision of other third party financing? If YES, indicate with whom (subject to THLDC approval).

Yes: ____	No: ____
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10. Has the Applicant made any arrangements for a bond trustee? If YES, indicate with whom (subject to THLDC approval).

Yes: ____	No: ____
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11. Describe Project ownership structure (i.e., Applicant or other entity):

12. To what purpose will the building or buildings to be acquired, constructed or renovated be used by the Applicant? (Include a description of (i) goods to be sold, (ii) products to be manufactured, assembled or processed and (iii) services to be rendered.)

13. If any space in the Project is to be leased to or occupied by third parties, or is currently leased to or occupied by third parties who will remain as tenants, provide the names and contact information for each such tenant, indicate the total square footage of the Project to be leased to each tenant, and describe the proposed use by each tenant:

14. Does the Applicant, or any related entity or person, currently hold a lease or license on the Project site? If YES, please provide details and a copy of the lease or license.

Yes: ____	No: ____
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15. Does the Applicant, or any related entity or person, currently hold fee title to (i.e., own) the Project site?

Yes: ____	No: ____
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If YES, indicate:

Date of purchase: _____

Purchase price: \$_____

Balance of existing mortgage, if any: \$_____

Name of mortgage holder: _____

Special conditions (if any): _____

If NO, state name of present owner of Project site: _____

16. Does the Applicant or any related person or entity have an option or a contract to purchase the Project site, and/or any buildings on the Project site?

YES ____

NO ____

If YES, attach copy of contract or option and indicate:

(a) Date executed: _____

(b) Purchase price: \$_____

(c) Closing date: _____

17. Is there a relationship, legally or by virtue of common control or ownership, between the Applicant (and/or its principals) and the seller of the Project (and/or its principals)? If YES, describe:

Yes: ____	No: ____
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I. Additional Assistance (subject to case-by-case determination)

1. Does the Applicant seek a sales/use tax exemption?
Please note, eligibility is subject to a case-by-case determination.

Yes: ____	No: ____
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If yes, please specify the value of the sales/use tax exemption. \$_____

2. Does the Applicant seek a mortgage recording tax exemption?
Please note, eligibility is subject to a case-by-case determination.

Yes: ____	No: ____
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J. Project Schedule

1. Has construction work on the Project begun? If YES, indicate the percentage of completion:

- | | | | |
|-------------------------------|---------|--------|----------------|
| (a) Site clearance | YES ___ | NO ___ | ____% complete |
| (b) Environmental Remediation | YES ___ | NO ___ | ____% complete |
| (c) Foundation | YES ___ | NO ___ | ____% complete |
| (d) Footings | YES ___ | NO ___ | ____% complete |
| (e) Steel | YES ___ | NO ___ | ____% complete |
| (f) Masonry | YES ___ | NO ___ | ____% complete |
| (g) Interior | YES ___ | NO ___ | ____% complete |
| (h) Other (describe below): | YES ___ | NO ___ | ____% complete |

If NO to all of the above categories, what is the proposed date of commencement of construction, renovation or acquisition of the Project?

2. Provide an estimate of the time schedule to complete the Project, and when the first use of the Project is expected to occur (attach additional sheet if necessary):

3. At what date(s) and in what amount(s) is it estimated that funds will be required?

III. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with THLDC as follows:

- A. Annual Report on Outstanding Bonds. The Applicant understands and agrees that, if the Project receives any Financial Assistance from THLDC, it shall be required to file, or cause to be filed, on an annual basis with the THLDC any information regarding bonds, if any, issued by THLDC for the Project that is requested by the Comptroller of the State of New York.

- B. Absence of Conflicts of Interest. The Applicant has received from THLDC a list of the members, officers and employees of THLDC. Except as hereinafter described, No member, officer or employee of THLDC has an interest, whether direct or indirect, in any transaction contemplated by this Application:

Fees. The THLDC fee schedule is as follows:

BOND FINANCING FEE SCHEDULE

(Subject to change without notice)

- 1% for the first \$5,000,000
- 0.75% for the next \$10,000,000
- 0.50% for the next \$10,000,000
- 0.20% for the next \$5,000,000
- 0.01% for anything more than \$30,000,000

Other Applicable Fees:

- 1. Application for Financial Assistance Fee: \$500.00, payable to **Town of Huntington Local Development Corporation** must accompany application. Application and check

should be forwarded to: Joan Cergol, Executive Director, Town of Huntington Local Development Corporation, 100 Main Street, Suite 309, Huntington, NY 11743

2. THLDC will also collect a closing compliance fee of \$2,000 upon the closing of the bond financing, and a \$1,000 annual administrative service fee payable in advance at the closing for the first year (or part thereof) and on January 1st in each year while the bonds are outstanding. The annual administrative service shall be subject to periodic review, and may be adjusted from time-to-time at the discretion of THLDC.

If, in connection with a Project supported by THLDC, an Applicant receives other additional financial assistance from any governmental entity other than THLDC, THLDC may at its sole discretion reduce its fees to accommodate the particular fee structure of such Project.

The Applicant understands that THLDC reserves the right to ask for additional information as it deems necessary to complete its review of your application.

The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that THLDC will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

Date:

(Name of Organization)

By: _____

Name:

Title:

IV HOLD HARMLESS AGREEMENT

Applicant hereby releases The Town of Huntington Local Development Corporation and the member(s), board of directors, officers, servants, agents and employees thereof (“THLDC”) from, agrees that THLDC shall not be liable for and agrees to indemnify, defend (with counsel selected by THLDC) and hold THLDC harmless from and against, any and all liability arising from or expense incurred by THLDC in connection with (A) examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax-exemptions and other assistance requested therein are favorably acted upon by THLDC, (B) acquisition, construction and/or installation of the Project described therein and (C) any further action taken by THLDC with respect to the Project, including, without limiting the generality of the foregoing, all causes of action and attorneys’ fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if THLDC or the Applicant are unable to reach final agreement with the respect to the Project, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to THLDC, its agents or assigns, all costs incurred by THLDC in the process of the Application, including attorneys’ fees, if any.

(Name of Organization)

By: _____

Name:

Title:

Date:

State of New York)

) ss.

County of _____)

On the ____ day of _____ in the year _____ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

**RULES AND REGULATIONS
OF
THE HUNTINGTON LOCAL DEVELOPMENT CORPORATION**

The Town of Huntington Local Development Corporation (“THLDC”), in order to better secure the integrity of the projects it sponsors, declares that it is in the public interest (i) to ensure the continuity of such projects, (ii) to prevent the conversion of the use of the premises upon which a sponsored project is to be constructed or renovated and (iii) to limit and prevent unreasonable profiteering or exploitation of a project, and does hereby find, declare and determine as follows:

FIRST:

At such time as a proposed Project is reviewed, the member(s), directors and officers of THLDC must disclose any blood, marital or business relationships they or members of their families have or have had with the Applicant (or its affiliates). The Applicant represents that no member, manager, principal, officer or director of the Applicant has any such relationship with any member, director or officer of THLDC (or any member of the family of any member of THLDC).

SECOND:

All applicants must disclose whether they have been appointed, elected or employed by New York State, any political division of New York State or any other governmental agency.

THIRD:

All proposed underwriters, credit enhancers (including banks and bond insurance companies), trustees, title companies and their respective attorneys must be satisfactory to and approved in writing by THLDC.

Understood and Agreed to:

Name of
Applicant: _____

By: _____

Name:

Title:

**CERTIFICATION AND AGREEMENT
WITH RESPECT TO FEES AND COSTS**

The undersigned deposes and says that: I am an authorized representative of the applicant (the "Applicant") named in the attached application for financial assistance ("Application"); I hold the office specified below my signature at the end of this Certification and Agreement; I am authorized and empowered to deliver this Certification and Agreement and the Application for and on behalf of the Applicant; and I am familiar with the contents of said Application (including all schedules and attachments thereto), and said contents are true, correct and complete to my knowledge. Capitalized terms used but not otherwise defined in this Certification and Agreement shall have the meanings assigned to such terms in the Application.

The grounds of my belief relative to all matters in the Application that are not based upon my own personal knowledge are based upon investigations I have made, or have caused to be made, concerning the subject matter of this Application, as well as upon information acquired in the course of my duties and from the books and records of the Applicant.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that the Applicant hereby releases the Town of Huntington Local Development Agency, its member(s), officers, servants, attorneys, agents and employees (collectively, the "THLDC") from, agrees that THLDC shall not be liable for and agrees to indemnify, defend (with counsel selected by THLDC) and hold THLDC harmless from and against, any and all liability, damages, causes of actions, losses, costs or expenses incurred by THLDC in connection with: (A) examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the financial assistance requested therein are favorably acted upon by THLDC; (B) the acquisition, construction and/or installation of the Project by THLDC; and (C) any further action taken by THLDC with respect to the Project, including, without limiting the generality of the foregoing, (i) all fees and expenses of THLDC's general counsel, bond/transactional counsel and independent tax assessor (if deemed necessary or advisable by THLDC), and (ii) all other expenses incurred by THLDC in defending any suits, actions or proceedings that may arise as a result of any of the foregoing. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels, or neglects the Application or if the Applicant is unable to find buyers willing to purchase the total bond issue required or is unable to secure other third party financing or otherwise fails to conclude the Project, then upon presentation of an invoice by THLDC, its agents, attorneys or assigns, the Applicant shall pay to THLDC, its agents, attorneys or assigns, as the case may be, all fees and expenses reflected in any such invoice.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that each of THLDC's general counsel and bond/transactional counsel is an intended third-party beneficiary of this Certification and Agreement, and that each of them may (but shall not be obligated to) enforce the provisions of the immediately preceding paragraph, whether by lawsuit or otherwise, and collect the fees and expenses of such party or person incurred by THLDC (whether or not first paid by THLDC) with respect to the Application.

Upon successful conclusion of the required bond issue or other form of financing or THLDC assistance, the Applicant shall pay to THLDC an administrative fee set by THLDC (which amount is payable at closing) in accordance with the following schedule:

THLDC BOND FINANCING FEE SCHEDULE
(Subject to change without notice)

1% for the first \$5,000,000

0.75% for the next \$10,000,000

0.50% for the next \$10,000,000

0.20% for the next \$5,000,000

0.01% for anything more than \$30,000,000

A Two Thousand (\$2,000) Dollar closing compliance fee payable at closing, and a One Thousand (\$1,000) Dollar per year (or part thereof) administrative fee payable in advance at the closing for the first year (or part thereof) and on January 1st of each year for the term of the financing. The annual service fee is subject to periodic review, and may be adjusted from time-to-time at the discretion of THLDC.

If, in connection with a Project supported by THLDC, an Applicant receives other additional financial assistance from any governmental entity other than THLDC, THLDC may at its sole discretion reduce its fees to accommodate the particular fee structure of such Project.

THLDC's bond/transactional counsel's fees and the administrative fees may be considered as a cost of the Project and included as part of any resultant financing, subject to compliance with applicable law.

Upon the termination of the financing of the Project, Applicant agrees to pay all costs in connection with any conveyance by THLDC to the Applicant of THLDC's interest in the Project and the termination of all related Project documents, including the fees and expenses of THLDC's general counsel, bond/transactional counsel, and all applicable recording, filing or other related fees, taxes and charges.

I further acknowledge and agree on behalf of the Applicant that, in the event THLDC shall have used all of its available tax-exempt bond financing allocation from the State of New York and shall accordingly be unable to obtain an additional allocation for the benefit of the Applicant, THLDC shall have no liability or responsibility as a result of the inability of THLDC to issue and deliver tax-exempt bonds for the benefit of the Applicant.

Name:
Title:

SCHEDULE A. TAX-EXEMPT BOND MANUFACTURING QUESTIONNAIRE

Questionnaire to be supplied upon request.